

TEXAS GROUNDWATER PROTECTION COMMITTEE
RECORD OF MEETING
Second Quarterly Meeting, Fiscal Year 2003

Meeting Date: January 23, 2003
Meeting No.: 55

Place: TCEQ Campus, Building F
Room: 2210

TABLE OF CONTENTS

MEETING ATTENDANCE	3
MEETING HANDOUTS	4
MEETING RECORD OF JANUARY 23, 2003	5
I. Call to Order and Introductions	5
II. Subcommittee Reports -	5
Agricultural Chemicals	5
Data Management	6
Water Well Closure	6
Groundwater Protection Strategy Work Group	6
Groundwater Research	6
Legislative Report	6
III. Presentation	6
Texas Groundwater Protection Committee New Website Demonstration -	
Texas Commission on Environmental Quality	6
IV. Business - Discussion & Possible Action	7
Texas Groundwater Protection Strategy - Discuss draft strategy and	
public comment; approve Strategy for agencies' executive management	
concurrence and publication, and discuss distribution plan	7
Review Roles and Responsibilities of TPGC Subcommittees - Data	
Management Subcommittee, Water Well Closure Task Force, and	
Nonpoint Source Subcommittee	10
Discussion of Future Presentation Topics.	11
Set Future Meeting Dates	11
V. Information Exchange for Groundwater Related Activities/Status Update	11
Joint Groundwater Monitoring and Contamination Report - 2002 -	
Announcement of solicitation for data from members	
for the 2002 report	11
TGPC Report to the 78 th Legislature - Publication status	12
Priority Groundwater Management Area and Groundwater Conservation	
District Report to the 78 th Legislature, Joint TCEQ and TWDB Report -	
TCEQ staff	12

VI.	Announcements (All Members)	12
	Rules Update	12
	New Publications	12
	Upcoming Conferences	13
VII.	Public Comment	13
VIII.	Adjourn	13

MEETING ATTENDANCE

<u>TGPC Members</u>	<u>Affiliation</u>
Mary Ambrose	TCEQ
Janie Hopkins(1:15)	TWDB
Ambrose Charles	TDA
Allan Jones	TAES
Richard Ginn	RCT
Lee Parham	TDLR
Ken Ofunrein	TDH
Barry Miller	TAGD
Donna Long(1:30)	TSSWCB

BEG, TWDB and TSSWCB members absent at roll call.

<u>Agency Staff</u>	<u>Affiliation</u>	<u>Program</u>
Cary Betz	TCEQ	Technical Analysis Division
Frank Fuller	TCEQ	Policy and Regulatory Division
Steve Musick	TCEQ	Technical Analysis Division
Alan Cherepon	TCEQ	Technical Analysis Division
Leon Byrd	TCEQ	Technical Analysis Division
Greg Tipple	TCEQ	Remediation Division
Abiy Berehe	TCEQ	Technical Analysis Division
John Lich	TCEQ	Technical Analysis Division
Jeanette O'Hare	TDA	Risk Assessment & Toxicology
Monica Beard	TCEQ	Past Intern
Virgil Fernandez	TCEQ	Technical Analysis Division
Patricia Bobeck	TDH	Bureau of Radiation Control
Isacc Jackson	TCEQ	EXEC/Intergovernmental Relations
Jennifer Allis	ORCA	Office of Rural Community Affairs
Joe Thomas	TCEQ	Policy & Regulation Division

<u>Interested Parties</u>	<u>Affiliation</u>
Bruce Lesikar	TCE
Eric Strom	USGS
Dya Campos	Vinson & Elkins

MEETING HANDOUTS

1. Agenda
2. Agricultural Subcommittee Report
3. TGPC Record of Meeting , First Quarter Meeting, FY 2003
4. Groundwater Research Subcommittee Record of Meeting
5. TGPC Texas Groundwater Protection Strategy, Proposed Distribution Plan
6. TGPC Rule Log Update on January 23, 2003
7. EPA, Title 33 CFR, Part 328 - Advance Notice of Proposed Rulemaking on the Clean Water Act Regulatory Definition of "Waters of the United States"
8. Groundwater Conservation District Seminar Series, Seminar I -"Being an Effective Board Member"
9. TGPC Edits to the Web Site
10. Texas' Submission for the Groundwater Portion of the National Water Quality Inventory (305(b) report) for 2002 - Web Site
11. SAWS comments on the draft Texas Groundwater Protection Strategy
12. Hickory Underground Water Conservation District No. 1 comments on the draft Texas Groundwater Protection Strategy
13. Charge to TGPCcommittee members - Preparation of Materials for the "Joint Groundwater Monitoring and Contamination Report - 2002"
14. Report to the 78th Legislature - "Activities of the Texas Groundwater Protection Committee"
15. Report to the 78th Texas Legislature - "Priority Groundwater Management Areas and Groundwater Conservation Districts"
16. "Joint Groundwater Monitoring and Contamination Report - 2001"

MEETING RECORD OF JANUARY 23, 2003

I. Call to Order and Introductions

Mary Ambrose, Designated Chairman of the Texas Groundwater Protection Committee (TGPC), called the FY2003, Second Quarterly Meeting to order at approximately 1:10 p.m., CDT.

II. Subcommittee Reports -

Agricultural Chemicals - Steve Musick, TCEQ, Chair. The Agricultural Chemicals Subcommittee held its FY 2003 second quarter meeting on January 23, 2003, at 10:00 a.m.

Members were updated on Task Force activities:

Site Selection - the Chairman (TWDB) reported more details on the FY 2003 Atrazine/Metolachlor Monitoring Plan. Sampling of approximately 700 wells in the Trinity Group and Edwards-Trinity Plateau aquifers is planned for March-October 2003. Additional sampling of minor aquifers is under discussion.

Education - The Chairman (TCE) Reported on educational meetings and events in the last quarter coordinated by TCE on Water Quality (9 counties), Domestic Well Testing(6 counties), and numerous Groundwater Conservation District Educational Meetings.

BMP - The Chairman (TCEQ) reported that TCEQ and TCE are negotiating a contract to develop atrazine BMP educational materials and to conduct educational outreach and events in the Panhandle.

Under the Subcommittee's Business items:

The Chairman (TAES) of the Data Evaluation Task Force and TCEQ staff presented a summary report of the conclusion and recommendations on atrazine investigations at the Plainview and Hereford PWS systems. After discussion of the results and recommendations, the Subcommittee approved the report with changes.

The Subcommittee viewed a summary presentation of FY 2002 PMP cooperative monitoring activities for atrazine and metolachlor from TCEQ staff. 541 wells were sampled by the TWDB and cooperating groundwater districts in 86 counties. TCEQ analyses of the samples indicated 28 pesticide detections with no concentrations exceeding the MCL.

The Subcommittee heard announcements and there were no public comments.

Data Management - Cary Betz, TCEQ, representative. The Data Management Subcommittee has not formally met since the last Committee meeting.

The TCEQ and USGS are working on a contract for a monitoring plan for the State.

The *Joint Groundwater Monitoring and Contamination Report - 2001* was sent to 81 libraries and institutions that are on the TCEQ's mailing list. Also all county judges and public health officials were sent a copy of the report.

Abandoned Water Well Closure Task Force - Bruce Lesikar, TCE, representative. There are five water well closure demonstrations planned for 2003. The first will be held in Comanche County beginning in March, 2003. Other closure demonstrations are planned for areas around Haskell, Goldthwaite, Stephenville, and Comanche, as well other locations.

Groundwater Protection Strategy Work Group - Frank Fuller (TCEQ) reported that the strategy work group has not met this quarter.

Groundwater Research - Allan Jones, TAES, representative. The subcommittee had met and discussed groundwater research needs. Strategies were discussed as to how to go about getting the necessary funds to address those needs. They are compiling information for their first report.

Legislative Report - Mary Ambrose, TCEQ, representative. Did not meet this quarter. This subcommittee needs to go dormant until we start on the next legislative report and it will not appear on the upcoming subcommittee reports.

III. Presentation

Texas Groundwater Protection Committee New Website Demonstration - Monica Beard, Mickey Leland Intern, updated the TGPC's website.

The presentation focused on the differences between the old and the new website, organization of the website, and discussed web spaces as living documents.

The main differences between the old and new websites are that the old site was under the TCEQ banner and now the site has its own banner. Also the domain name is different. The new domain name (www.tgpc.state.tx.us) presents TGPC as its own entity rather than an arm of the TCEQ. It has its own webmaster, policy, and server. There is an abundance of information on the new website, about 40 pages. Not only is the information about the TGPC, but presents other links that are related to groundwater. The organizational layout is such that the top bar is basically about the TGPC. Subjects include About TGPC, Meetings, Subcommittees, and Publications. Each subcommittee has its own page.

Publications are listed below the bar on the home page. New publications are so designated with a “new” sign in front of them. Next comes a list of the state agencies that are member organizations with links to their individual sites. Their sites contain information regarding the roles of each agency in the TGPC. The next major heading is for subcommittees with links to each one and how to get involved in them.

The left side of the home page contains headings such as groundwater information, pesticides, water wells, septic systems etc. This information is for the general public. When calls are received from the public wanting to know about pesticides, water wells, septic systems, groundwater contamination, etc., this is a good place to refer them. Each of the pages has additional links. All of the links connect internally within the page and show other related links and agencies that would be involved in that specific topic.

Websites function as a clearinghouse for information. One of the challenges of having a website like this is that they require a lot of updating. Some of the listed organizations have fallen by the wayside, some new organizations will be formed, maybe some of the pages that are linked might fall away, maybe new available ones will popup. What that means for the members of the committee, who update the web page is that we need to try to keep it as current as possible. If you encounter new sources that would be appropriate for the website, contact TCEQ staff about getting them included. If you find sites that no longer exist or reports that are not there, those sites should be removed. When the website is referenced frequently, it is kept alive as well as disseminating the word about TGPC to the public (www.tgpc.state.tx.us).

IV. Business - Discussion & Possible Action

Texas Groundwater Protection Strategy - Frank Fuller, TCEQ, Steve Musick, TCEQ. Included in the handout package is a copy of the Strategy which has gone out for public comment. Notice of Availability was published in the Texas Register on December 13, 2002, comment period closed on January 17, 2003. Three comments were received from the following, 1) Hickory Underground Water Conservation District No. 1 (submitted by the lawfirm of Brown and Carroll), 2) EPA Region VI, and 3) San Antonio Water System (SAWS). Comments from SAWS were received after the deadline but the TGPC will respond to them. Instead of publishing the letters, the comments were summarized and each comment has a proposed response from the Strategy.

Regarding Notice of Availability, 225 were mailed and copies of the report were made available for download on the old website, the new website, and TCEQ website. The Notice was also published in a few trade journals.

Typographical and editorial changes will be made to the document, but these will be non-substantive changes, before final publication.

Copies of comments from Hickory UWCD No. 1 and EPA were faxed to committee

members for review. The San Antonio Water Service comments weren't received in time for the committee members to review. Comments from the Hickory UWCD No. 1 were directed more toward the TCEQ and TWDB. These comments do not necessitate changing the report. Comments from EPA were basically complimentary and require no changes to the report. EPA encourages the TGPC to proceed with looking into the ambient groundwater monitoring and the research subcommittee, both of which are already in progress.

SAWS commented on the importance of urban water suppliers in the areas of conservation, education, and water protection and that these efforts had been underestimated. They also urged the TCEQ to review how graywater can be a useful resource for conservation efforts and recommended that the use of graywater not be authorized for use over the Edwards Aquifer Recharge Zone.

The third comment from SAWS stated that abandoned water wells are a statewide problem because they serve as potential pathways for pollutants to contaminate groundwater. They requested the TCEQ to actively support State legislation to provide a funding mechanism to plug abandoned wells.

Richard Ginn, RCT, had editorial comments submitted by the Surface Mining Section, RCT, but nothing that would change the contents of the report.

Chair suggested that the committee was ready to finalize the report and the comments would be included as an appendix to the report.

A five minute recess was called at 1:40 PM, to allow the Committee to review the comments and responses. Meeting was reconvened at 1:45 PM. After this brief review period, the Chair called for suggestions or questions from the Committee.

Richard Ginn, RCT, questioned whether the water purveyors are affiliated with any State agency or State association that would represent them and could be included in the Strategy. Steve Musick, TCEQ, responded that Texas Rural Water would cover some and possibly a utilities association, but that he was not familiar with their relationship. Probably TWCA would cover most of them.

Motion to approve the report with comments and responses as an appendix and to make whatever typographical or grammatical, non substantive changes that are necessary to finalize the report without another review. So moved by Richard Ginn, RCT, and seconded by Allan Jones, TAES. Chair called for discussion, there was none. Chair called for a vote and the motion passed unanimously.

Executive Management Concurrence of the Strategy - Committee has discussed whether to have a written statement from each agency or one joint letter signed by the executive management of the agencies represented by the committee. The letter/s would indicate

that they are aware of the Strategy and that it is important. This is similar to what was done for the Pesticide Management Plan, although this wouldn't be done to fulfill any requirements by the EPA. The committee member agencies will be doing this on their own to show support for the Strategy.

Chair asked Steve Musick, TCEQ, what was done with the PMP concurrence letter, was it a separate letter from each agency or was it one letter that each agency signed?

Steve Musick, TCEQ, replied that there was a separate letter from each agency's CEO. A memo was prepared outlining the process and a draft letter was included to be used if the agency so desired. This package was sent to the executive management of each agency and they responded with a signed letter indicating the agency's roles and responsibilities.

Question. What kind of time frame are you looking at for 100 per cent concurrence?

We are anxious to finish the report so that it can be made available to the public and we can start implementing the Strategy. Another thing to consider is whether the letters should be published or simply maintained in the Committee's records.

Barry Miller, TAGD, favored having a concurrence letter in the record rather than publishing it as a document because of the time constraints.

Chair indicated that TCEQ staff will draft a letter with member concurrence to be used by the committee members, and provide a short briefing document for upper management, specifically covering the recommendations.

Distribution Plan - Steve Musick, TCEQ, has been working on a draft a distribution plan for the Strategy once it is published. The Strategy will be added to the TGPC's website, a hot link will be put on the TCEQ website, copies will provided to each member agency, and a there will be a mailout. The mailout would include the legislature leadership and several of the legislative subcommittees that have the most interest in natural resources/environmental issues. Also, we will send it out to the Committee's mailing list, all of the Groundwater Conservation Districts, and we have identified several State agencies, State level organizations, and Federal agencies that are listed in the handout. We would share this by sending a copy to other states in Region VI and their groundwater programs. That is our current proposal. If anyone has any suggestions, there are probably other agencies, Federal and State, that we haven't thought of, that might be appropriate, particularly in areas such as mining activities, and other areas where we are less familiar. If you have any other suggestions we will put them on the list.

Chair. If there are other groups the Committee member would like to see included, now is the time to add them. We are also trying to figure out how many copies to publish.

Barry Miller, TAGD. The TAGD is trying to eliminate paper on our shelves. What about

CD publishing? Is that an option? (SM - Yes.) Regional plans came out on CD and I loved it, they are more accessible to me.

Chair. We are going to put it on the website and if you prefer we can send out a letter giving the link. So that would be your preference for all the districts?

Barry Miller, TAGD. If they want to look at it, it's infinitely doable and they could e-mail for a hardcopy if necessary.

Steve Musick, TCEQ. An alternate proposal would be a notice of availability of the final document, providing a website link in order to obtain a copy, either CD or hardcopy.

Chair. I think that is a good idea and it is much easier to search through a document like that for key terms if you are interested, than it is to look through the hardcopy.

Are there any other groups that should get this announcement?

Lee Parham, TDLR. Besides the Texas Water Conservation Association, a sister organization is the Texas Groundwater Association, They are housed in the same place but they are two separate entities.

Chair. Are there any other groups that the Committee members work with and would like to see the get a copy of the Strategy? We don't have to think of them right now, but if you can get back with Steve, sometime next week. We will send this question to each of our regional offices here at the Commission.

Barry Miller, TAGD. The Texas Water Information Network is housed in Janie's domain. We should have them put a link to TGPC and this report.

Review Roles and Responsibilities of TGPC Subcommittees

Data Management Subcommittee - There are a lot of activities in the Groundwater Protection Strategy that this particular subcommittee is going to need to get involved in and become active. They are going to need some volunteers. One of the things that they will be doing is looking at the ambient groundwater monitoring system and also management of that data. The TWDB will definitely want to have someone working on the subcommittee.

- **Continue Data Management Subcommittee and revise subcommittee charge.**

Water Well Closure Task Force - There are some recommendations in the Strategy for identifying areas where there are naturally occurring contamination issues. These areas may be more in the data management side of things, but once we have those identified, we need to have some kind of educational outreach to well owners so that they can make

a choice as to whether they want treatment or not. There are also discussions of a strictly voluntary sampling program that might be used through an outreach program.

- **Continue Water Well Closure Task Force and revise it's charge.**

Nonpoint Source Subcommittee - This subcommittee disbanded about a year and a half ago and wanted to become a part of the Agricultural Chemicals Subcommittee. Is that still the preference? The State's Management Plan for Nonpoint Sources is under review. Soil and Water Conservation Board was chairing this subcommittee.

- **It was decided to keep the Nonpoint Source Subcommittee as a separate entity and not combine it with the Agricultural Chemicals Subcommittee.**

Cary Betz, TCEQ. Can the Committee come up with charges for these Subcommittees prior to the next Committee meeting so that the full Committee can act on the charges?

The Chair of the Committee volunteered to work with the chairs of each subcommittee to establish a charge to be presented at the next Committee meeting.

Discussion of Future Presentation Topics

We need input/suggestions from Committee members for topics of future programs. Some potential topics suggested are as follows:

- sinkhole formation in west Texas around the Wink area (RCT),
- desalinization of brackish groundwater (TAES),
- radionuclides - health effects (TAES),
- understanding recharge of aquifers as related to groundwater modeling (TAES),
- radioactivity released to groundwater, Radiation Control is studying affects to the population from 36 wells around the state (TDH).

Set Future Meeting Dates

Next meeting date: April 10, 2003, 1:00 p.m. TCEQ Campus.

V. Information Exchange for Groundwater Related Activities/Status Update

Joint Groundwater Monitoring and Contamination Report - 2002 -Announcement of solicitation for data from members for the 2002 report.

Joint Groundwater Monitoring and Contamination Report - 2002 is mandated by statute to be published by April 1, of each year. That mandate has never been fulfilled. This year, TCEQ staff is striving to publish as close to April 1, as possible, with or without all of the data. Please try to have all of your data in by February 28. We are aiming for May 1, as a publication date.

TGPC Report to the 78th Legislature - Publication Status.

This report is included in the information packet to the Committee. The report was printed on time and delivered to the Legislature on January 10, meeting our deadline which was January 13. Also included in your packet is an e-mail providing the website address and a copy of the transmittal letter to Governor Perry with the legislative mailing list. We have additional copies for those interested.

Priority Groundwater Management Area and Groundwater Conservation District Report to the 78th Legislature, Joint TCEQ and TWDB Report - TCEQ staff.

The TWDB and TCEQ are required by law to provide the Legislature with a report on the status of groundwater management areas and information about newly created groundwater districts. That report is finished and there are copies available. It is being delivered to the Legislature today (January 23, 2003). A map of the recently adopted groundwater management areas in Texas are included in the report. Also included is a map of the groundwater conservation districts which have been confirmed by the voters. At present there are 79 districts. There is information on which districts are created by the legislature, what their confirmation election status is, and information on groundwater conservation district management plans that have been submitted to and certified by the TWDB.

VI. Announcements (All Members)

Rules Update

TCEQ rule tracking log - Joe Thomas, TCEQ. A summary of the rule log was distributed to members identifying eight projects of interest to the Committee.

First item - criteria for wastewater treatment systems, proposal is February 20.

Second item - Orders for closure and post closure, projected effective date is January 30.

Third item - Groundwater availability certification for platting, adopted this morning January 23, projected effective date is February 20.

Fifth item - Amendments to petroleum storage tank rules, proposal date was this morning January 23.

Last item - Rulemaking Petition which is different than the other rule making projects.

This petition was filed with TCEQ but it came from the Barton Springs Edwards Aquifer Conservation District to expand the Edwards Aquifer Recharge Zone. The proposal date is February 5 (to consider the petition).

No other committee members presented rule updates.

New Publications

Cary Betz, TCEQ - Texas' submission for the groundwater portion of the National Water

Quality Inventory (CWA Section 305(b) report) for 2002. This report is compiled by the Data Management Subcommittee. This report for 2002 represents the most recent data available on ambient water quality for the past five years from the TWDB. The contamination case information out of the 2001 Joint Groundwater Monitoring and Contamination Report is also presented. All information on both major and minor aquifers is included. This document is available electronically from the TGPC website. To log on go to (www.tgpc.state.tx.us). All data is broken down by aquifer.

Donna Long, TSSWCB - The Brush Control Reference Guide has just been completed. It is available on the website. If you are interested in a hardcopy, prepublication orders are now being taken.

Upcoming Conferences

Texas Groundwater Association - Trade Fair in Corpus Christi, January 28 - 31.

Three conferences are being held in March, 2003, in Washington, D. C.

Groundwater Protection Council

Association of State Drinking Water Administrators

Association of State and Interstate Water Pollution Control Administrators

TCEQ - Environmental Trade Fair - May 5 - 7, 2003

Report to Congress - United States Congress requires EPA to provide a groundwater report on a biennial basis. This report has two volumes. The first, prepared by EPA, is based on questionnaires and other information that is obtained by EPA. The second volume consists of a fact sheet from each of the fifty states. This fact sheet will be updated to reflect the most current groundwater data available.

Federal Register Announcement

Joint announcement from EPA/COE is an advance notice for rule making. The notice is soliciting information from anyone interested in what the scope of water, subject to the Clean Water Act, should be. The Act may impact the playa lakes on the high plains as well as the Oil Pollution Act. Main funding is from the EPA under the Clean Water Act.

VII. Public Comment

None

VIII. Adjourn

Chair Mary Ambrose adjourned meeting at approximately 3:46 p. m., CDT.